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HUAC Over 'Terror'

Committee Runs into Legal Snarl

Ouster and Arrest Of ACLU Counsel Angers Colleagues

By Richard Harwood
Washington Post Staff Writer

The extraordinary arrest yesterday of an American Civil Liberties Union lawyer in the chambers of the House Un-American Activities Committee produced a new legal challenge to the Committee's inquiry into antiwar protests on college campuses.

The lawyer, Arthur Kinoy, a diminutive professor at Rutgers University, was seized by U.S. marshals while debating a legal point with HUAC Subcommittee Chairman Joe Pool (D-Texas). He was dragged, choking and screaming, from the hearing room and was rushed to Police Headquarters on a charge of disorderly conduct.

Other lawyers representing witnesses subpoenaed by the Committee reacted swiftly by withdrawing from the inquiry on grounds that they could not properly counsel their clients in an atmosphere of "terror and intimidation."

Problem for Subcommittee

Their boycott created for the subcommittee an unexpected legal problem. Under HUAC's own rules, witnesses are entitled to legal counsel of "their own choice" and may not be made to testify in the absence of counsel. If the lawyers of their choice refuse because of "terror and intimidation" to represent them, can they be compelled to accept substitute counsel?

This question preoccupied the subcommittee after Kinoy's arrest and the lawyers' boycott. It dealt with the question yesterday afternoon by deferring a decision. The clients of the absent lawyers were all excused from testifying, were given until noon today to get new lawyers, and, failing that, were directed to confer with the HUAC staff.

Kinoy's arrest was easily the high dramatic point of another disorderly day in the subcommittee's chambers in the Cannon Office Building, a day otherwise punctuated by the arrest of more shouting HUAC critics in the audience, more angry exchanges between witnesses and the subcommittee, and more discomfort for Chairman Pool.

He was confronted at the start of the day by a self-assured and admitted Commu-

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Three-judge U.S. Court
postpones hearing on con-
stitutionality of HUAC.

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Irate lawyer threatens suit
over ejection from Hill hear-
ing.

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nist, 22-year-old Richard Mark Rhoads of Brooklyn, who baited the subcommittee more than he was baited in turn.

In response to the simplest question, he would launch into a denunciation of the "Johnson Administration's war of genocide" in Vietnam. He coolly described the Government of the United States as "a ruthless regime" and as "the most hated government in the world today." The initials "U.S.A.," he declared, "have replaced the crooked cross of Nazi Germany as a symbol of death."

At another point he referred to the "gas chambers of this country's ruling class."

Rhoads, a lanky Nordic type, said he was a student at City College in New York and a "proud" member of the Progressive Labor Party, a Peking-oriented faction of the Communist movement.

"Are you trying to learn if I'm a Communist?" he asked. "I certainly am a Communist."

Refuses To Be Curbed

Pool's efforts to restrict the witness's answers failed time and again, as Rhodes calmly ignored the Chairman's orders to "answer the question and not make a speech."

In view of the success of Rhoads's tactics, HUAC member John M. Ashbrook of Ohio suggested that Rhoads be dismissed as a witness. He was too "obstreperous" to handle, said Ashbrook.

Bunt Pool let the testimony go on. When Rhoads had finished, he got up shouting: "Get out of Vietnam."

The next witness was friendly to the committee. He was Philip A. McCombs, 22, assistant editor of William Buck-



By Ken Fell, Staff Photographer

Arthur Kinoy, an attorney with the American Civil Liberties Union, is ejected from the hearing room.

ley's conservative magazine, the National Review.

McCombs said he had briefly infiltrated the anti-war movement on assignment from the magazine and had encountered a protester named Walter Teague III.

That name barely left his lips when Kinoy and William Kunstler, another ACLU lawyer from New York, raised an objection.

They approached the dais where Pool and other Congressmen were seated and began a heated debate over the subcommittee's prerogatives.

Kinoy and Kunstler argued that under the circumstances they were entitled to cross-examine McCombs on any testimony relating to Teague. Otherwise, they argued, the result of the testimony would be only to "defame" their client.

Objection Overruled

Pool dismissed their arguments and overruled them. Other lawyers for reluctant witnesses joined the legal argument, with Kinoy pressing hard on his point.

Pool, by this time, was slamming his gavel and repeating that the objections were overruled.

"Sit down," he shouted at Kinoy. A U.S. marshal quickly moved to Kinoy's side and put his hands on the lawyer, who stands 5 feet 4 and weighs 130 pounds.

"Don't touch a lawyer," Kinoy shouted, trampling with anger.

"Sit down," Pool cried again. Kinoy responded by again demanding to be heard, whereupon two marshals—one a man of heroic proportions—grabbed the lawyer and began dragging him away from the

dais. Kinoy's arm was twisted behind his back. A marshal's went around his throat. All the way to the door, Kinoy shouted protests in a strangled voice.

Then he disappeared and it was not until at least a half-hour later that anyone in the subcommittee room discovered that Kinoy had been taken to Police Headquarters, where he posted \$25 bond for his appearance in General Sessions Court at 9:30 this morning. He returned in mid-afternoon to the hearing.

Pool Hears Protests

In the meantime, however, other lawyers in the room vehemently protested to Pool the "brutal," "inexcusable," "unprecedented" treatment of Kinoy.

"In more than 20 years of appearances before this committee," said Frank Donner of New York (an ACLU counsel), "I have never seen brutal treatment of this sort . . . I'm frightened. This is like an armed camp."

Pool said he was "frightened, too" by what the subcommittee was learning and said Kinoy was seized because he had refused to sit down and "was resisting an officer." He also called the lawyer "obstreperous."

Refuses to Apologize

Kunstler replied: "Lawyers should not be condemned, vilified or attacked for their advocacy of a client's cause." He demanded that Pool see to it that the charges against Kinoy were dismissed and that the committee apologize. Pool refused and said later:

"I'm not concerned about Mr. Kinoy. I'm concerned about maintaining order at this hearing."

Beverly Axelrod, an ACLU lawyer from San Francisco, told Pool that as long as she was "under fear of personal violence on myself, I cannot adequately represent my clients . . . I am not prepared to take physical violence."

This became the position of all the lawyers. They advised Pool that in their opinion the Committee could not lawfully proceed in the absence of counsel for the witnesses and issued joint statement that said in part:

"Although we have finally been able to bail Mr. Kinoy out of jail . . . the brutal treatment offered him has all but destroyed any chance we may ever have had to represent our clients adequately."